

Election/Amend. C/# 10
3/24/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: GOODWIN et al.

Serial No.: 09/628,126

Filed: July 28, 2000

For: CD30 LIGAND

FAX RECEIVED

MAR 22 2002

GROUP 1600

Docket No.: 2804-I

Examiner: M. Jamroz

Group Art Unit: 1644

RESPONSE TO REQUIREMENT FOR SPECIES ELECTIONAssistant Commissioner for Patents
Washington, D.C. 20231

OFFICIAL

Sir:

A Communication dated February 25, 2002 was received in the above-identified application. The Communication includes a requirement for species election. ✓

In response to the requirement for species election, Applicants hereby elect, without traverse, the claimed method in which the therapeutic agent is calicheamycin, and the CD30-L polypeptide is a soluble fragment of the human CD30-L of SEQ ID NO:23. Claims 27, 32-38, 40-42, 44, 45, 50, 58-60, and 69 are readable on the elected species.

As noted in the Communication, "[U]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141".

The species election included a requirement for election of "a specific CD30L polypeptide (e.g., one of SEQ ID NOS:6, 19, 8, or 23)". Applicants elected a species of CD30-L polypeptide, as indicated above. To facilitate examination, Applicants wish to point out that the transmembrane region and the extracellular domain of the human CD30-L proteins of SEQ ID NO:8 and SEQ ID NO:23 are identical. The two forms of human CD30-L differ in the cytoplasmic domain, located at the N-terminus of the protein. The cytoplasmic domain of the protein of SEQ ID NO:8 contains an additional 19 amino acid residues, compared to the cytoplasmic domain of the protein of SEQ ID NO:23. (See page 38, lines 27-33; page 39, lines 3-5; page 35, line 34, to page 36, line 1 of the subject specification.)

The Communication states that it is "Responsive to communication(s) filed on 08 January 2002", and notes that "Applicant's amendment filed, 1/8/02 (Paper No. 8) is acknowledged". To insure accuracy of the record, Applicants note that their last

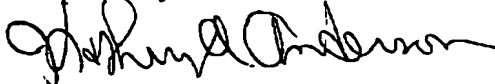
C

Response to Requirement for Species Election
USSN 09/628,126

correspondence with the U.S. P.T.O. in this application was filed on November 20, 2001, under a certificate of mailing by first class mail. Applicants are not aware of any paper that was filed on 1/8/02.

Immunex Corporation
51 University Street
Seattle, Washington 98101
(206) 587-0430

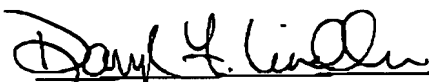
Respectfully submitted,



Kathryn A. Anderson
Registration no. 32,172

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



Daryl F. Lindholm

March 21, 2002

Date